

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

GREGORY COLBURN et al.,

Defendants.

Case No. 1:19-cr-10080-NMG

**DEFENDANTS' MOTION FOR HEARING ON INVOCATION OF
FIFTH AMENDMENT BY STEVEN MASERA**

Defendants Gamal Abdelaziz and John Wilson respectfully request that the Court hold a hearing (including an ex parte voir dire) to inquire into the purported assertion of the Fifth Amendment by government cooperator Steven Masera. Mr. Masera has already pled guilty to conspiracy to commit racketeering in connection with his work for Rick Singer. He has a plea agreement and a cooperation agreement with the United States, both of which have been publicly docketed in the matter before Judge Talwani. *See* 19-CR-10081 Dkt. 181. Mr. Masera has been on the government's witness list since the first list was filed on June 25, 2021. Defendants also have sent Mr. Masera a trial subpoena. On Sunday night, AUSA Frank informed Defendants "We no longer believe it will be necessary to call Masera." At approximately 3:30 PM today, AUSA Frank publicly disclosed that Mr. Masera would likely not be called by the government. ***Less than three hours later***, Mr. Masera's lawyer emailed the undersigned that "our client Stephen Masera will exercise his Fifth Amendment privilege against self-incrimination if called as a witness during the defense's case in your ongoing trial."

Defendants respectfully request that the Court review Mr. Masera's assertion on the record and that the Court inquire into whether Mr. Masera has a valid Fifth Amendment right given his guilty plea to a broad racketeering conspiracy charge. The defendants would note that

this is now the sixth witness to invoke the Fifth Amendment in an effort to avoid testifying at this trial. The government has refused to immunize any of these witnesses and continues to raise legally suspect challenges to the admission of exculpatory documents as the defendants attempt to defend themselves in this case.

Dated: September 27, 2021

Respectfully submitted,

GAMAL ABDELAZIZ

By his attorneys,

/s/ Brian T. Kelly

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on September 27, 2021, and thereby delivered by electronic means to all registered participants as identified on the Notice of Electronic Filing.

/s/ Joshua C. Sharp
Joshua C. Sharp